

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 71

Short Title: Halifax-Roanoke Rapids Airport.

(Local)

Sponsors: Representatives Crawford; Wilkins and Hardaway.

Referred to: Local and Regional Government I, if favorable, Finance.

February 6, 1997

A BILL TO BE ENTITLED

**AN ACT TO ENABLE THE COUNTY OF HALIFAX AND THE CITY OF
ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE
MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY.**

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the "Halifax-Roanoke Rapids Airport Authority"(for brevity hereinafter referred to as the "Airport Authority"), which shall be a body both corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by general law and future acts of the General Assembly.

Section 2. The Airport Authority shall consist of seven members, three of whom shall be appointed to staggered three-year terms by the Roanoke Rapids City Council and three of whom shall be appointed to staggered three-year terms by the Halifax County Board of Commissioners and one of whom shall be appointed by the other six members of the Airport Authority. The members appointed by the Roanoke Rapids City Council shall be qualified voters of the City of Roanoke Rapids, and the members appointed by the Halifax County Board of Commissioners and the Airport Authority shall be qualified voters of the County of Halifax. Each member shall take and subscribe before the Clerk of Superior Court of Halifax County an oath of office and file the same with the Halifax County Board of Commissioners and the Roanoke Rapids City

1 Council. Membership on the Halifax County Board of Commissioners or the Roanoke
2 Rapids City Council and the Airport Authority shall not constitute double office holding
3 within the meaning of Article VI, Section 9 of the Constitution of North Carolina.

4 Section 3. The Airport Authority may adopt suitable bylaws for its
5 management. The members of the Airport Authority shall receive compensation, per
6 diem, or otherwise as the Roanoke Rapids City Council or the Halifax County Board of
7 Commissioners from time to time determines and be paid their actual traveling expenses
8 incurred in transacting the business and at the instance of the Airport Authority.
9 Members of the Airport Authority shall not be personally liable for their acts as members
10 of the Airport Authority, except for acts resulting from misfeasance or malfeasance.

11 Section 4. (a) The Airport Authority shall constitute a body, both corporate and
12 politic, and shall have the following powers and authority:

- 13 (1) To purchase, acquire, establish, construct, own, control, lease, equip,
14 improve, maintain, operate, and regulate airports and landing fields for
15 the use of airplanes and other aircraft within the limits of the County
16 and for this purpose to purchase, improve, own, hold, lease, or operate
17 real or personal property. The Airport Authority may exercise these
18 powers alone or in conjunction with the City of Roanoke Rapids or the
19 County of Halifax.
- 20 (2) To sue and be sued in the name of the Airport Authority, to make
21 contracts and hold any personal property necessary for the exercise of
22 the powers of the Airport Authority, and acquire by purchase, lease, or
23 otherwise any existing lease, leasehold right, or other interest in any
24 existing airport located in the County.
- 25 (3) To charge and collect reasonable and adequate fees and rents for the use
26 of airport property or for services rendered in the operation of the
27 airport.
- 28 (4) To make all reasonable rules and regulations it deems necessary for the
29 proper maintenance, use, operation, and control of the airport and
30 provide penalties for the violation of these rules and regulations;
31 provided, the rules and regulations and schedules of fees not be in
32 conflict with the laws of North Carolina, and the regulations of the
33 Federal Aviation Administration. The Airport Authority may
34 administer and enforce any airport zoning regulations adopted by the
35 City of Roanoke Rapids or the County of Halifax.
- 36 (5) To issue bonds pursuant to Article 5 of Chapter 159 of the General
37 Statutes.
- 38 (6) To sell, lease, or otherwise dispose of any property, real or personal,
39 belonging to the Airport Authority, according to the procedures
40 described in Article 12 of Chapter 160A of the General Statutes, but no
41 sale of real property shall be made without the approval of the Halifax
42 County Board of Commissioners and the Roanoke Rapids City Council.

- 1 (7) To purchase any insurance that the Federal Aviation Administration or
2 the Airport Authority shall deem necessary. The Airport Authority shall
3 be responsible for any and all insurance claims or liabilities.
- 4 (8) To deposit or invest and reinvest any of its funds as provided by the
5 Local Government Finance Act, as it may be amended from time to
6 time, for the deposit or investment of unit funds.
- 7 (9) To purchase any of its outstanding bonds or notes.
- 8 (10) To operate, own, lease, control, regulate, or grant to others, for a period
9 not to exceed 25 years, the right to operate on any airport premises
10 restaurants, snack bars, vending machines, food and beverage
11 dispensing outlets, rental car services, catering services, novelty shops,
12 insurance sales, advertising media, merchandising outlets, motels,
13 hotels, barber shops, automobile parking and storage facilities,
14 automobile service establishments, and all other types of facilities as
15 may be directly or indirectly related to the maintenance and furnishing
16 to the general public of a complete air terminal installation.
- 17 (11) To contract with persons, firms, or corporations for terms not to exceed
18 25 years, for the operation of airline-scheduled passenger and freight
19 flights, nonscheduled flights, and any other airplane activities not
20 inconsistent with the grant agreements under which the airport property
21 is held.
- 22 (12) To erect and construct buildings, hangars, shops, and other
23 improvements and facilities, not inconsistent with or in violation of the
24 agreements applicable to and the grants under which the real property of
25 the airport is held; to lease these improvements and facilities for a term
26 or terms not to exceed 25 years; to borrow money for use in making and
27 paying for these improvements and facilities, secured by and on the
28 credit only of the lease agreements in respect to these improvements and
29 facilities, and to pledge and assign the leases and lease agreements as
30 security for the authorized loans.
- 31 (13) Subject to the limitations set out in this act, to have all the same power
32 and authority granted to cities and counties pursuant to Chapter 63 of
33 the General Statutes, Aeronautics.
- 34 (14) To have a corporate seal, which may be altered at will.
- 35 (b) The Airport Authority shall possess the same exemptions in respect to payment
36 of taxes and license fees and be eligible for sales and use tax refunds to the same extent
37 as provided for municipal corporations by the laws of the State of North Carolina.
- 38 Section 5. The Airport Authority may acquire from the City and the County,
39 by agreement with the City and County, and the City and County may grant and convey,
40 either by gift or for such consideration as the City and County may deem wise, any real
41 or personal property which it now owns or may hereafter acquire, including nontax
42 monies, and which may be necessary for the construction, operation, and maintenance of
43 any airport located in the County.

1 Section 6. Any lands acquired, owned, controlled, or occupied by the Airport
2 Authority shall be, and are declared to be acquired, owned, controlled, and occupied for a
3 public purpose.

4 Section 7. Private property needed by the Airport Authority for any airport,
5 landing field, or as facilities of an airport or landing field may be acquired by gift or
6 devise, or may be acquired by private purchase or by the exercise of eminent domain
7 pursuant to Chapter 40A of the General Statutes.

8 Section 8. The Airport Authority shall make an annual report to the Halifax
9 County Board of Commissioners and the Roanoke Rapids City Council setting forth in
10 detail the operations and transactions conducted by it pursuant to this act. The Airport
11 Authority shall not have the power to pledge the credit of Halifax County or the City of
12 Roanoke Rapids, or any subdivision thereof, or to impose any obligation on Halifax
13 County or the City of Roanoke Rapids, or any of their subdivisions, except when that
14 power is expressly granted by statute.

15 Section 9. Subject to the limitations as set out in this act, all rights and powers
16 given and granted to counties or municipalities by general law, which may now be in
17 effect or enacted in the future relating to the development, regulation, and control of
18 municipal airports and the regulation of aircraft are vested in the Airport Authority. The
19 Halifax County Board of Commissioners or the Roanoke Rapids City Council may
20 delegate their powers under these acts to the Airport Authority, and the Airport Authority
21 shall have concurrent rights with Halifax County and the City of Roanoke Rapids to
22 control, regulate, and provide for the development of aviation in Halifax County.

23 Section 10. The Airport Authority may contract with and accept grants from
24 the Federal Aviation Administration, the State of North Carolina, or any of the agencies
25 or representatives of either of said governmental bodies relating to the purchase of land
26 and air easements and to the grading, constructing, equipping, improving, maintaining, or
27 operating of an airport or its facilities or both.

28 Section 11. The Airport Authority may employ any agents, engineers,
29 attorneys, and other persons whose services may be deemed by the Airport Authority to
30 be necessary and useful in carrying out the provisions of Sections 1 through 10 of this
31 act.

32 Section 12. The Halifax County Board of Commissioners or the Roanoke
33 Rapids City Council may appropriate funds derived from any source including ad
34 valorem taxes to carry out the provisions of this act in any proportion or upon any basis
35 as may be determined by the Halifax County Board of Commissioners or the Roanoke
36 Rapids City Council.

37 Section 13. The Airport Authority may expend the funds that are appropriated
38 by the County and City for joint airport purposes and may pledge the credit of the Airport
39 Authority to the extent of the appropriated funds.

40 Section 14. The Airport Authority shall elect from among its members a chair
41 and other officers at its initial meeting and then annually thereafter. A majority of the
42 Airport Authority shall control its decisions. Each member of the Airport Authority,

1 including the chair, shall have one vote. The Airport Authority shall meet at the places
2 and times designated by the chair.

3 Section 15. The powers granted to the Airport Authority shall not be effective
4 until the members of the Airport Authority have been appointed by the Halifax County
5 Board of Commissioners and the Roanoke Rapids City Council, and nothing in this act
6 shall require the Board of Commissioners or City Council to make the initial
7 appointments. It is the intent of this act to enable but not to require the formation of the
8 Halifax-Roanoke Rapids Airport Authority.

9 Section 16. If any one or more sections, clauses, sentences, or parts of this act
10 shall be adjudged invalid, such judgment shall not affect, impair, or invalidate the
11 remaining provisions thereof, but shall be confined in its operation to the specific
12 provisions held invalid, and the inapplicability or invalidity of any section, clause,
13 sentence, or part of this act in one or more instances or circumstances shall not be taken
14 to affect or prejudice in any way its applicability or validity in any other instance.

15 Section 17. This act is effective when it becomes law.